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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,381	08/16/2000	Italo Corzani	CM1709	5312

27752 7590 03/11/2003

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EXAMINER

WEBB, JAMISUE A

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

c.4

Office Action Summary	Application No.		Applicant(s)	
	09/622,381		CORZANI, ITALO	
	Examiner		Art Unit	
	Jamisue A. Webb		3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7-11 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-11 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7-11, 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (5,635,196).
3. With respect to Claims 1, 3, 11, and 15: Murphy discloses the use of an odor controlling substance where gluteraldehyde is impregnated into a silica desiccant (Column 2, lines 37-64).
4. With respect to Claims 5, 7, 16, 17, and 18: The claims are anticipated by the Murphy reference, due to the fact that Claims 5, 7, 16, 17 and 18 do not recite or require the dopant to be a fatty acid and derivatives thereof, a heterocompound, or an amine or its salt. The scope of Claims 5, 6, 16, 17, and 18 still allow for the dopant to be an aldehyde. Murphy discloses the use of an aldehyde, which meets the limitations of the Markush group of Claims 1 and 11, as well as anticipates Claims 5, 6, 16, 17 and 18.
5. With respect to Claims 8 and 19: Murphy discloses the same material that is claimed in the independent claims, therefore it is the examiner's position that the pH of the particles, are inherently 7.0 ± 0.5 .
6. With respect to Claims 9 and 20: Gluteraldehyde has two aldehyde groups (two double bonded oxygens) in its structure, (one at each end), therefore having more than one active group.

7. With respect to Claims 10 and 21: Murphy discloses the material above as desiccant particles. The examiner considers the fact that there is more than one desiccant particle disclosed, there is more than one material present. (column 2, lines 37-64).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karapasha (5,407,442) in view of Murphy (5,635,196).

Karapasha, discloses the use of an absorbent article such as a pantliner (column 24, lines 28-30), that has a silica based odor absorbent compound included (see abstract). However, Karapasha fails to disclose the use of an adsorption material that is doped with at least one dopant. Murphy discloses the use of an odor controlling substance where gluteraldehyde (dopant) is impregnated (doped) into a silica desiccant (adsorption material) (Column 2, lines 37-64). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to replace the silica based odor absorbent composition of Karapasha, with the composition of Murphy, in order to disinfect and solidify liquid waste which will in turn reduce and control odors produced in liquid waste (see Murphy, columns 1 and 2).

Response to Arguments

11. Applicant's arguments filed 12/26/02 are not persuasive.
12. With respect to Applicant's arguments that Murphy discloses a gluteraldehyde that is impregnated within the desiccant, as opposed to the gluteraldehyde used as a dopant: The applicant is arguing that a dopant must be in very small concentrations (1-1000ppm), and the Murphy reference discloses the gluteraldehyde being 31%. The definition of a dopant is a small quantity of a substance that is added to another substance to alter the latter's properties. The definition does not state that what concentration the substance must be at. The Murphy reference discloses the amount of gluteraldehyde being less than the amount of desiccant used, therefore the examiner considers it to be a small quantity. The claims do not state what concentration the dopant must be in, therefore it is the examiner's position that the gluteraldehyde that is used in the Murphy reference can be considered a dopant, cause it will alter the properties of the desiccant. Rejections stand as stated above.
13. The applicant has stated that it is believes Claims 5, 6, and 16-18 should have been rejected under 112 2nd paragraph. This is not true, the claims are rejected under 102 (b) as stated above, and further clarified as to how they are anticipated by the Murphy reference.
14. Applicant is only arguing all other rejections based on the fact that Murphy does not disclose the use of a dopant. As stated above, it is the examiner's position that Murphy does in fact disclose a dopant, therefore all other rejections stand as stated above.

Conclusion


15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703)308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw 
March 10, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700